

# UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Information stored by Google related to investigation  
of violations of 18 U.S.C. § 371 and other offenses

Case No. MJ20-809

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

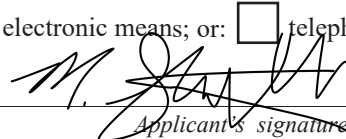
Code Section	Offense Description
26 U.S.C. § 5861(d)	Unlawful Possession of Destructive Devices
18 U.S.C. § 844(i), 371	Arson, Conspiracy

The application is based on these facts:

- ☒ See Affidavit of FBI Special Agent Michael Stults, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

  
Applicant's signature

Michael Stults, FBI Special Agent  
Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 12/16/2020

  
Judge's signature

City and state: Seattle, Washington

Brian A. Tsuchida, Chief United States Magistrate Judge  
Printed name and title

**ATTACHMENT A**  
**Property To Be Searched**

This warrant is directed to Google LLC and applies to:

The Google Accounts associated with the following device IDs, as identified in the search warrant returns provided by Google on November 20, 2020, in the case with Google Reference Number 4079913:

Device 1: 1446733964

Device 2: 650633621

Device 3: 1849824839

Device 4: -1008239501

## ATTACHMENT B

### Particular Items to Be Seized

#### I. Information to be disclosed by Google

Google shall disclose to the government account identifier and basic subscriber information, as defined in 18 U.S.C. § 2703(c)(2), for the Google Accounts associated with device IDs listed in Attachment A, for the time period of January 1, 2019, through August 31, 2020, including:

- Name (including subscriber names, user names, and screen names);
- Address (including mailing addresses, residential addresses, business addresses, and email addresses);
- Length of service (including start date), account status (e.g. enabled), and types of service(s) utilized;
- Telephone or instrument number or other subscriber number or identity, including any temporary assigned network address (for example: registration Internet Protocol ("IP") address, MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifiers ("MEID"), Mobile Identification Numbers ("MN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Equipment Identities ("IMEI"));
- Means and source of payment(s) of such service (including any credit card or bank account number) and billing records;
- Records of session times and durations and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions; and
- Other subscriber numbers or identities (including the registration Internet Protocol ("IP") address, browser type and version, operating system type and version).

**II. Information to Be Seized**

All information described above in Section I that constitutes evidence of violations of Title 18, United States Code, Section 5861(d) (Unlawful Possession of Destructive Devices), Title 18, United States Code, Section 844(i) (Arson), and Title 18, United States Code, Section 371 (Conspiracy), committed on August 24, 2020, by unknown persons.

## INTRODUCTION AND AGENT BACKGROUND

I make this affidavit in support of an application for a warrant to search information that is stored at premises controlled by Google LLC (“Google”), a provider of an electronic communications service and remote computing service headquartered in Mountain View, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a warrant under 18 U.S.C. § 2703(c)(1)(A) to require Google to disclose to the government the information further described in Attachment B.I. The government will then review that information and seize the information that is further described in Attachment B.II.

Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 5861(d) (Unlawful Possession of Destructive Devices); Title 18, United States Code, Section 844(i) (Arson); and Title 18, United States Code, Section 371 (Conspiracy), have been committed

1 by unknown persons. There is also probable cause to search the information described in  
2 Attachment A for evidence of these crimes as further described in Attachment B.

### 3 JURISDICTION

4 This Court has jurisdiction to issue the requested warrant because it is “a court of  
5 competent jurisdiction” as defined by 18 U.S.C. § 2711. Specifically, the Court is “a district  
6 court of the United States . . . that has jurisdiction over the offense being investigated.”  
7 18 U.S.C. § 2711(3)(A)(i).

### 8 BACKGROUND AND NATURE OF WARRANT REQUEST

9 On October 7, 2020, this Court issued a geofence search warrant to Google related to  
10 the investigation of the arson at the Seattle Police Officer’s Guild on August 24, 2020. *See*  
11 MJ20-643. I was the affiant on the search warrant affidavit. I hereby reaffirm and  
12 incorporate herein the information set forth in my affidavit submitted on October 7, 2020.

13 After obtaining the warrant from the Court, I served the warrant on Google via their  
14 online portal on October 7, 2020.

15 On November 20, 2020, Google sent me the returns on the warrant, including the  
16 anonymized device IDs called for by the warrant. Google identified the warrant with Google  
17 Reference Number 4079913. Per the terms of the letter Google sent with the returns, I had a  
18 60-day period within which to request account identifier and basic subscriber information for  
19 the devices that were relevant to the investigation.

20 On November 23, 2020, I sent an email to Google requesting subscriber information  
21 for three devices that were most immediately relevant to investigation. My email made clear  
22 that I may follow-up with additional requests for subscriber information within the 60-day  
23 period, stating:

24 Per the geofence warrant referenced in the subject line, at this time, we have  
25 identified the following devices as relevant and request the subscriber  
26 information related to them: [Device IDs requested]. Per the return letter, we  
27 have 60 days to request follow-on information. Any additional devices  
28 identified as relevant will be requested in an additional email.

1 On November 25 and 30, 2020, Google provided subscriber information for the three  
2 requested devices.

3 On December 8, 2020, I sent an email to Google requesting subscriber information for  
4 four additional devices that, upon further review, I deemed relevant to the investigation. My  
5 email stated:

6 Per the geofence warrant referenced in the subject line, at this time, we have  
7 identified additional devices as relevant and request the subscriber information  
8 related to them: Device 1: 1446733964; Device 2: 650633621; Device 3:  
1849824839; Device 4: -1008239501.

9 On December 10, 2020, Google declined to provide the additional requested  
10 information, stating:

11 We have received your request for further subscriber information relating to  
12 your reverse location history request. Once Google provides basic subscriber  
13 information in response to the final stage of a reverse location history request,  
14 Google will not provide further information relating to the devices from the  
15 same warrant. If you still require this information, you may submit new legal  
process specifically identifying those Device IDs.

16 On December 10, 2020, I replied by email:

17 Per the supplemental letter provided in the original response, it states we have  
18 60 days to request subscriber information of relevant devices. I was unaware  
19 that all relevant information had to be identified and requested in a single  
20 request. Could you direct me towards the language in the warrant,  
supplemental letter, or Google's legal policy where it states only a single  
request for follow on information may be made subsequent to a warrant return?

21 On December 11, 2020, I spoke to a Google employee over the telephone. Consistent  
22 with the above email, she declined to provide any additional information in response to my  
23 second request. However, she was unable to point me to any language in the warrant or in  
24 Google's letters which purported to limit the FBI to a single request for follow-up  
25 information pursuant to the warrant. She requested that I obtain another search warrant for  
26 the information sought in my second request.  
27

28 //

**CONCLUSION**


Based on the forgoing, I request that the Court issue the proposed warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

I further request that the Court direct Google to disclose to the government any information described in Section I of Attachment B that is within its possession, custody, or control.

Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant by serving the warrant on Google. Because the warrant will be served on Google, who will then compile the requested records and data, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

DATED this 16<sup>th</sup> day of December, 2020.

  
MICHAEL STULTS  
Special Agent, FBI

The above-named agent provided a sworn statement to the truth of the foregoing affidavit by telephone on 16 day of December 2020.

  
BRIAN A. TSUCHIDA Tsuchida  
Chief United States Magistrate Judge